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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,538	02/26/2002	Koji Kunii	450100-03802	2783

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NEW YORK, NY 10151

EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2424

MAIL DATE	DELIVERY MODE
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10/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/085,538	Applicant(s) KUNII ET AL.	
	Examiner Justin E. Shepard	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/25/10 has been entered.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6 and 7 are rejection under 35 USC 101. Claims 6 and 6 refer to a computer readable medium. As page 102 of the user specifications indicates both transitory and non-transitory storage mediums, the claims are considered non-statutory since claiming a signal is a broad interpretation of the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Bowser in view of Inoue in view of Oral in view of Knudson in view of Boyer

Referring to claim 1, Bowser discloses a portable information terminal apparatus comprising:

acquiring means for acquiring a plurality of pieces of program information
(column 4, line 60);

first display controlling means for controlling display on a display screen of said
program information acquired by said acquiring means (column 4, lines 60-63);

wherein the program information comprises information targeted at a specific
type of portable information terminal apparatus the user is operating (column 6, lines
46-54);

second display controlling means for controlling display on said display screen of
said other program information after retrieval by said retrieving means (column 5, lines
2-6).

Bowser does not disclose an apparatus with extracting means for extracting a
start time and an end time of said program information; and

retrieving means which, based on the start time and the end time extracted by said extracting means, retrieves other program information about programs to be broadcast in a time slot between the start time and the end time,

wherein the start time and the end time extracted by the extracting means are extracted based on, a start time and end time of a selected program and independent of a user- selected time; and

wherein said acquiring means acquires said program information by transmitting through a network, a request including a unique user ID to a provider and acquires said program information applicable to the user ID through said network; and

wherein the other program information comprises advertisement information targeted at a user; and

wherein program information includes information about programs to be broadcast on a plurality of selected dates selected by a user, wherein the plurality of dates include a current date, past dates, and future dates.

In an analogous art, Inoue teaches an apparatus with extracting means for extracting a start time and an end time of said program information (paragraph 116, lines 11-18; figure 3); and

retrieving means which, based on the start time and the end time extracted by said extracting means, retrieves other program information about programs to be broadcast in a time slot between the start time and the end time (paragraph 100, lines 6-12; paragraph 115, lines 1-5),

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wherein the start time and the end time extracted by the extracting means are extracted based on, a start time and end time of a selected program and independent of a user- selected time (paragraph 116, lines 11-18; paragraph 110, lines 6-12; paragraph 115, lines 1-5).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the time segment selection taught by Inoue in the apparatus disclosed by Bowser. The motivation would have been to provide a method for extracting data representing a time window on multiple days so as to inform the user to what is on when they are available to watch TV, such as after work, prime time, or another repeating time window.

Bowser and Inoue do not disclose an apparatus wherein said acquiring means acquires said program information by transmitting through a network, a request including a unique user ID to a provider and acquires said program information applicable to the user ID through said network; and

wherein the other program information comprises advertisement information targeted at a user; and

wherein program information includes information about programs to be broadcast on a plurality of selected dates selected by a user, wherein the plurality of dates include a current date, past dates, and future dates.

In an analogous art, Oral teaches an apparatus wherein said acquiring means acquires said program information by transmitting through a network, a request including a unique user ID to a provider and acquires said program information

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applicable to the user ID through said network (column 3, lines 48-50, 52-53, and 59-61).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the user specific EPG requesting taught by Oral to the apparatus taught by Bowser and Young. The motivation would have been to allow different users to create their own favorite program lists.

Bowser, Inoue and Oral do not disclose an apparatus wherein the other program information comprises advertisement information targeted at a user; and

wherein program information includes information about programs to be broadcast on a plurality of selected dates selected by a user, wherein the plurality of dates include a current date, past dates, and future dates.

In an analogous art, Knudson teaches an apparatus wherein the other program information comprises advertisement information targeted at a user (figure 16; figure 24; column 18, line 61 to column 19, line 28).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the imbedded advertisement taught by Knudson to the system disclosed by Bowser, Inoue and Oral. The motivation would have been to allow for the EPG information to generate revenue for the distributor, by allowing companies to sponsor the data.

Bowser, Inoue, Oral and Knudson do not disclose an apparatus wherein program information includes information about programs to be broadcast on a plurality of

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selected dates selected by a user, wherein the plurality of dates include a current date, past dates, and future dates.

In an analogous art, Boyer teaches an apparatus wherein program information includes information about programs to be broadcast on a plurality of selected dates selected by a user, wherein the plurality of dates include a current date, past dates, and future dates (column 9, lines 28-45; figure 9).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the calendar date selection taught by Boyer to the EPG system disclosed by Bowser, Inoue, Oral and Knudson. The motivation would have been to allow for extra information to be inputted into the programs of the past, such as sports scores, to make the past program listings informative to the user (Boyer: column 9, lines 42-45).

Claims 5, 6, and 7 are rejected on the same grounds as claim 1.

Referring to claim 2, Bowser does not disclose a portable information terminal apparatus according to claim 1, wherein said time is a broadcast start time.

In an analogous art, Inoue teaches a portable information terminal apparatus according to claim 1, wherein said time is a broadcast start time (paragraph 116, lines 11-18).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the time segment extraction taught by Inoue in the apparatus disclosed by Bowser. The motivation would have been to provide a method for extracting data representing a time window on multiple days so as to inform the user to what is on when

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they are available to watch TV, such as after work, prime time, or another repeating time window

Referring to claim 3, Bowser discloses a portable information terminal apparatus according to claim 1, further comprising third display controlling means which, if any program name is selected by a user performing an operation from among said other program information displayed on said display screen under control of said second display controlling means, then controls display on said display screen of detailed program information about the selected program information (column 7, lines 31-39; Note: the favorite channel creating system is being interpreted as the third display controller).

Referring to claim 4, Bowser discloses a portable information terminal apparatus according to claim wherein, said other program information cannot be displayed entirely at one time on said display screen, then said second display controlling means calls up an un-displayed part of said other program information for display based on an operation performed by a user (column 7, lines 18-20 and 31-32).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

JS